

## § 922.70

## 7 CFR Ch. IX (1-1-01 Edition)

United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

### § 922.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other act, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

### § 922.71 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

## Subpart—Container Exemption; Waivers of Inspection and Certification

### § 922.110 Container exemption.

Whenever container limitations are effective pursuant to § 922.52, a handler may make test shipments of apricots in experimental containers, approved by the committee, subject to the following:

(a) Test shipments shall be made only in connection with a container research project, or projects, being conducted by or in cooperation with the Washington Apricot Marketing Committee.

(b) The handler shall first make application to, and receive a permit from, the Washington Apricot Marketing Committee on a form of the committee to handle each experimental container proposed to be used by the handler for test shipments. Such application shall contain the following information:

(1) Name and address of the applicant and date of application;

(2) Description of the container, including size, weight, inside dimensions, and type of pack;

(3) Quantity of such containers proposed to be shipped.

(c) Approval of the application shall be evidenced by the issuance to the applicant by the committee of a permit which shall authorize the handling of apricots in such quantity of experimental containers as the committee may approve.

(d) With respect to each test shipment of apricots handled in experimental containers, the handler shall, prior to such handling, advise the committee as to (1) the number and type of the container or containers in the test shipment, (2) identification of the carrier, (3) name and address of the receiver, and (4) expected time of arrival at destination.

(e) Terms used in this section shall have the same meaning as when used in said marketing agreement and order (§§ 922.1 to 922.71).

[23 FR 4781, June 28, 1958. Redesignated at 26 FR 12751, Dec. 30, 1961]

### § 922.111 Waiver of inspection and certification.

(a) *Application.* Any handler (including a grower-handler packing and handling apricots of his own production), whose packing facilities are located in an area where a Washington State Horticultural Division Inspection Office or Federal-State Inspector is not readily available to perform the required inspection may, prior to shipment, apply to the Committee for a permit authorizing a waiver of inspection. Applications shall be made on forms furnished by the Committee and shall contain such information as the Committee may require including: Name and address of applicant, location of packing facility, distance of packing facility from the nearest inspection office, period (by approximate beginning and ending dates) during which applicant expects to ship apricots, estimated quantity of apricots applicant expects to ship to fresh market during such period, manner in which the majority of applicant's fruit will be marketed (i.e., transported by applicant to market, sold at orchard to truckers, etc.), areas or markets to which applicant expects

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to ship the majority of his apricots. The application shall also contain an agreement by applicant (1) not to ship or handle any apricots unless such apricots meet the grade, size, maturity, container, and all other requirements of the amended marketing agreement and order in effect at time of handling, (2) to report periodically to the Committee on reporting forms furnished by the Committee the following information on each shipment: quantity, variety, grade, minimum size, container, date of shipment, destination, name and address of buyer or receiver, and such other information as the Committee may specify, (3) to pay applicable assessments on each shipment, (4) to have or cause to have each shipment of apricots inspected when such shipment is transported to a market or through a location en route to market where an inspector is available, and (5) to comply with such other safeguards as the Committee may prescribe.

(b) *Issuance of permit.* Whenever the Committee finds and determines from the information contained in the application or from other proof satisfactory to the Committee that the applicant is entitled to a waiver from the inspection requirements of the amended marketing agreement and order at time of shipment, the Committee shall issue a permit authorizing the applicant to ship apricots in accordance with these administrative regulations and the terms and conditions of such permit.

[29 FR 9526, July 14, 1964]

### § 922.142 Reserve fund.

(a) The establishment of a reserve fund of an amount not greater than approximately one fiscal year's operational expenses is appropriate and necessary to the maintenance and functioning of the Washington Apricot Marketing Committee. The committee is hereby authorized to carry forward in the aforesaid reserve \$5,765.09 which are excess assessment funds from the fiscal period ended March 31, 1960, and \$787.61 which are excess assessment funds from the fiscal period ended March 31, 1961. Such reserve shall be used in accordance with the provisions of § 922.42 of the said marketing agreement and order (§§ 922.1 to 922.71).

(b) Terms used in this section shall have the same meaning as given to the respective term in said marketing agreement and order.

[26 FR 8664, Sept. 16, 1961. Redesignated at 26 FR 12751, Dec. 30, 1961 and 44 FR 73010, Dec. 17, 1979]

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sections .322 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### Subpart—Assessment Rate

#### § 922.235 Assessment rate.

On and after April 1, 1997, an assessment rate of \$2.00 per ton is established for the Washington Apricot Marketing Committee.

[61 FR 40956, Aug. 7, 1996, as amended at 62 FR 41807, Aug. 4, 1997]

### Subpart—Container Regulations

#### § 922.306 Apricot Regulation 6.

(a) No handler shall handle any apricots unless such apricots are:

(1) In open containers or telescope fiberboard cartons and the net weight of the apricots is not less than 28 pounds; or

(2) In closed containers containing not less than 14 pounds, net weight, of apricots: *Provided*, That when the apricots are packed in such containers they are row-faced or tray-packed; or

(3) In closed containers that are marked "12 pounds net weight" and contain not less than 12 pounds, net weight, of apricots which are of random size and are not row-faced; or

(4) In closed containers containing not less than 24 pounds, net weight, of apricots when packed loose in such containers; or

(5) If exported to Canada, in any of the containers specified in this paragraph (a) or in containers having inside dimensions of 16½×11½ inches with 4¾-inch end pieces and 3¾-inch side pieces.

(b) Notwithstanding any other provisions of this section, any individual